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## NEWS RELEASE

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### **EOIR Announces Latest Disciplinary Actions Under Rules of Professional Conduct** *Six Attorneys Immediately Suspended; Four Receive Final Orders; One Is Reinstated*

FALLS CHURCH, Va. – The Executive Office for Immigration Review (EOIR) has taken disciplinary action against 10 attorneys after charging them with violations of the Rules of Professional Conduct for immigration practitioners. One attorney was reinstated. The Rules of Professional Conduct appear in Title 8 of the Code of Federal Regulations (8 CFR Parts 1003 and 1292). In most cases, the disciplinary action is initiated as a result of sanctions imposed by other jurisdictions or a criminal conviction.

Although the disciplinary process may vary according to the specific circumstances of each case, generally it includes the following steps:

Disciplinary proceedings begin with a Notice of Intent to Discipline filed with the Board of Immigration Appeals (BIA) by the Office of the General Counsel of either EOIR or U.S. Citizenship and Immigration Services, Department of Homeland Security (DHS). The BIA requires the attorney to respond to the alleged violations. In some cases, a Petition for Immediate Suspension also is filed and the BIA orders the attorney to be suspended immediately from practice before the immigration courts, the BIA, and the DHS. (DHS joins EOIR in taking the disciplinary action.) Disciplined attorneys are directed to notify promptly, in writing, their clients with pending immigration cases that they may no longer represent them before the BIA, the immigration courts, or the DHS. Disciplined attorneys must petition and be reinstated by the BIA before they can resume the practice of law before the BIA, the immigration courts, and the DHS.

#### **Immediate Suspension**

The BIA ordered the immediate suspension of the following attorneys:

- **Rita H. Altman:** She was suspended indefinitely from the practice of law by the Supreme Court of Florida for failing to comply with two subpoenas issued by the grievance committee. She was immediately suspended by the BIA on October 30, 2006, based on her suspension in Florida, pending final disposition of her case.

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- **Robert A. Cox:** He was suspended from the practice of law for a minimum of 2 years by the Supreme Court of Missouri. He was immediately suspended by the BIA on October 30, 2006, based on his suspension in Missouri, pending final disposition of his case.
- **Charles P. LeBeau:** He resigned from the State Bar of California after his license to practice law in Michigan was revoked by the Michigan Attorney Discipline Board for violating numerous rules of professional conduct, including failing to represent a client competently and diligently. He was immediately suspended by the BIA on October 19, 2006, based on the revocation of his law license, pending final disposition of his case.
- **Harley Rosenthal:** He was suspended from the practice of law by the Supreme Court of Florida following a consent judgment for emergency suspension. He was immediately suspended by the BIA on October 30, 2006, based on his suspension in Florida, pending final disposition of his case.
- **Carol S. Stever:** She was suspended temporarily from the practice of law by the Supreme Court of Pennsylvania for violating the rules of professional conduct. She was immediately suspended by the BIA on October 19, 2006, based on her suspension in Pennsylvania, pending final disposition of her case.
- **Peter D. Winthrop:** He was suspended from the practice of law for 2 years by the Supreme Court of Illinois for misrepresentation and engaging in conduct which involved dishonesty, fraud, deceit, or misrepresentation. He was immediately suspended by the BIA on October 23, 2006, based on his suspension in Illinois, pending final disposition of his case.

### **Final Orders of Discipline**

The BIA issued a Final Order of Discipline against the following attorneys:

- **P. Lee Clay:** A final order of October 23, 2006, suspends him indefinitely from practice before immigration tribunals, effective September 13, 2006, based on his suspension in West Virginia for non-compliance with the state rules concerning mandatory continuing legal education requirements.
- **Sergei Danilov:** A final order of October 19, 2006, expels him from practice before immigration tribunals, effective September 13, 2006, based on his criminal conviction in U.S. District Court for the District of Maryland for conspiracy to commit labor certification fraud.

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An adjudicating official from the Office of the Chief Immigration Judge issued a Final Order of Discipline against the following attorneys:

- **Lowell J. Gettman:** A final order of August 16, 2006, publicly censuring him for appearing before DHS, Citizenship and Immigration Services, while under suspension in Ohio.
- **Edward Haase:** A final order of September 5, 2006, publicly censuring him for repeatedly failing to appear for scheduled hearings in a timely manner without good cause.

### Reinstatement

The BIA reinstated the following attorney to practice before the immigration tribunals:

- **Rico C. Reyes:** He was reinstated on October 19, 2006, after being reinstated to practice law in Texas, following an indefinite suspension for non-payment of dues and occupational taxes.

### Background

The Rules of Professional Conduct include provisions specifying grounds for disciplinary action, requirements for receiving and investigating complaints, and procedures for conducting hearings. The rules also authorize the BIA to suspend immediately a practitioner who has been subject to disbarment, suspension, or resignation with an admission of misconduct as imposed by a federal or state court, or who has been convicted of a serious crime, pending a summary proceeding and final sanction. They are available on the EOIR website at [http://www.usdoj.gov/eoir/vll/fedreg/2000\\_2001/fr27jn00R.pdf](http://www.usdoj.gov/eoir/vll/fedreg/2000_2001/fr27jn00R.pdf).

EOIR announces these disciplinary actions to inform the public about practitioners who are not authorized to represent clients in any matter before an immigration tribunal. EOIR also posts a “List of Disciplined Practitioners” on its website at <http://www.usdoj.gov/eoir/profcond/chart.htm>. In an effort to provide more detailed information about individual attorney discipline cases, every new immediate suspension or final order issued beginning June 27, 2005, can be accessed through this list by clicking on the highlighted “date” link. Links to older orders, issued since July 2000, will be included gradually.

Additional information about the Attorney Discipline Program can be found at <http://www.usdoj.gov/eoir/press/00/profcond.htm> and <http://www.usdoj.gov/eoir/press/00/profcondfaks.htm> on the EOIR website.

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*EOIR is responsible for adjudicating immigration cases. Specifically, under delegated authority from the Attorney General, EOIR interprets and administers federal immigration laws by conducting immigration court proceedings, appellate reviews, and administrative hearings. EOIR consists of three components: the Office of the Chief Immigration Judge, which is responsible for managing the numerous immigration courts located throughout the United States where immigration judges adjudicate individual cases; the Board of Immigration Appeals, which primarily conducts appellate reviews of immigration judge decisions; and the Office of the Chief Administrative Hearing Officer, which adjudicates immigration-related employment cases. EOIR is committed to providing fair, expeditious, and uniform application of the nation's immigration laws in all cases.*

*Information about EOIR immigration proceedings is available on EOIR's website <http://www.usdoj.gov/eoir/press/subject.htm>.*